

Section	Violation	Willful violation
(a) Failure to institute a training program as required .....	5,000	7,500
(b) Failure to provide training within required time frame .....	2,500	5,000
(c) Failure of program and/or training materials to include required information .....	2,500	5,000
227.121 Recordkeeping:		
(a) General Requirements:		
(1) Failure to make record available as required .....	2,500	5,000
(3) Failure to transfer or retain records as required .....	2,000	4,000
(b)–(f) Records:		
(1) Failure to maintain record or failure to maintain record with required information .....	2,000	4,000
(2) Failure to retain records for required time period .....	2,000	4,000

<sup>1</sup> A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$100,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[71 FR 63123, Oct. 27, 2006, as amended at 73 FR 79703, Dec. 30, 2008]

## PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

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AUTHORITY: 49 U.S.C. 20103, 20107, 21101–21109; Sec. 108, Div. A, Public Law 110–432, 122 Stat. 4860–4866; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.49; and 49 U.S.C. 103.

SOURCE: 37 FR 12234, June 21, 1972, unless otherwise noted.

### Subpart A—General

#### § 228.1 Scope.

This part—

(a) Prescribes reporting and record-keeping requirements with respect to the hours of service of certain railroad employees and certain employees of railroad contractors and subcontractors; and

(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

[43 FR 31012, July 19, 1978, as amended at 74 FR 25345, May 27, 2009]

#### § 228.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all railroads and contractors and subcontractors of railroads.

(b) This part does not apply to:

(1) A railroad or a contractor or subcontractor of a railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or

(2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

[74 FR 25345, May 27, 2009]